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C O N F I D E N T I A L SECTION 01 OF 03 BEIRUT 000945

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SUBJECT: LEBANON: BRAMMERTZ PREVIEWS NEXT REPORT ON HARIRI  
ASSASSINATION

Classified By: Ambassador Jeffrey D. Feltman Reasons: Section 1.4 (b)  
and (d)

SUMMARY AND ACTION REQUEST  
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11. (C) In a June 20 meeting with the Ambassador, UNIIIC Commissioner Serge Brammertz said he was in the process of finalizing his next report to the UN Security Council (which he expects to present on July 19). While the report will not include the names of those believed responsible for the 2005 assassination of former PM Rafiq Hariri, it will provide "indications" as to the perpetrators. Furthermore, Brammertz stated, the report will conclude that political motives are the only remaining explanation. Brammertz acknowledged obliquely his belief that former Surete General chief Jamil as-Sayyed, one of the four generals currently in prison for the Hariri attacks, was involved in the attack. Brammertz also reported on UNIIIC's investigation into the June 13 assassination of MP Walid Eido. Regardless of political events in Lebanon, Brammertz believes the Special Tribunal will go forward. ACTION REQUEST: Brammertz will be in Washington July 13 and 14 and is interested in meeting USG officials; see para 14. End summary.

INVESTIGATION PROCEEDING "BUSINESS AS USUAL"  
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12. (C) The Ambassador, accompanied by DCM and Pol/Econ Chief, met with Brammertz and Special Assistant Mathieu Lefevre on June 20 to discuss Brammertz' report to the UN Security Council on the assassination of former MP Rafiq Hariri, the June 13, 2007 assassination of March 14 MP Walid Eido, and progress in the establishment of the Special Tribunal. It was an unusually forthcoming Brammertz who welcomed us (perhaps, as he put it, because the establishment of the Special Tribunal means there is "light at the end of the tunnel").

13. (C) Some security limitations had caused witnesses to cancel and prevented some out-of-country meetings, but otherwise UNIIIC's investigation was proceeding "business as usual," Brammertz said. His staff was in the process of consolidating tens of thousands of pages of internal reports into one summary report to present to the UN Security Council on July 19. In short, the investigation is mostly over and the results are being consolidated, he concluded; if the tribunal was created tomorrow, he would simply hand over the summary (along with UNIIIC's extensive data bank) and provide

updates over the next six months.

¶4. (C) Brammertz said UNIIIC now has a clear idea of how the car involved in the Hariri bombing entered the country. Furthermore, with the help of DNA specialists and Interpol, it was finalizing its analysis of fingerprint data, cross-checking hundreds of prints. Soil, water, and air samples found on the scene and within recovered DNA from the presumed bomber suggested that the suicide bomber arrived in Lebanon two months prior to the assassination. Though the exact country of origin was not known, Brammertz said, "some countries have a much higher probability than others," based on the samples. Brammertz also noted that the use of the phone cards documented in earlier reports remains an interesting line of inquiry.

¶5. (C) Ambassador asked about Syrian cooperation; Brammertz characterized it as "business as usual." UNIIIC is still translating thousands of pages from Syrian military archives and, while he didn't expect much in terms of incriminating evidence, Brammertz said the information would be useful in understanding "who reported to whom when about what" and the structure of Syria's presence in Lebanon pre- and post- its 2005 withdrawal. UNIIIC also has phone records, Brammertz added, which will make it difficult for those under questioning to deny relationships and contacts. He expected to conduct more interviews before the July report. Brammertz expressed his disappointment, however, that many "friendly" countries weren't being as forthcoming with information as they could, especially classified information.

POLITICAL MOTIVES ONLY POSSIBLE EXPLANATION FOR HARIRI  
ASSASSINATION

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¶6. (C) Brammertz confirmed UNIIIC had concluded its investigation of Bank al-Medina's role in the Hariri investigation, including interviews in Brazil with a key witness involved in illegal money transfers during Syria's occupation of Lebanon, Rana Koleylet. Though this line of inquiry was useful in understanding the dynamics of Lebanon's financial institutions and how they are used to give and receive monetary gifts, Brammertz said there was nothing of direct relevance to Hariri or any of the other assassinations. "The financial door is closed," he said, leaving only the political door. Brammertz stated confidently that the only remaining hypothesis is the Hariri and other attacks occurred in a specific political context: the extension of President Lahoud's mandate, combined with UNSCR 1559 and Hariri's support for the resolution and his efforts to secure the support of other countries led to a "climate for assassination."

¶7. (C) Brammertz was careful to clarify that the report will not point fingers at individuals, but will "indicate" the people UNIIIC is looking at. Brammertz stressed it was important not to name names for two reasons: 1) the closer we get to the establishment of the tribunal, the more careful UNIIIC has to be not to violate suspects' right to a fair trial to avoid accusations that UNIIIC convicted them before the trial; and 2) the threshold for a Commissioner is lower than for a prosecutor, who has to demonstrate no reasonable doubt.

IMPRISONED GENERALS SUSPECTED OF INVOLVEMENT

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¶8. (C) The Ambassador inquired about the fate of four Lebanese generals currently in prison for their believed involvement in the Hariri assassination. Brammertz replied it was up to the Lebanese judiciary to decide, since UNIIIC has no authority to issue an arrest warrant, and the GOL wants them to appear before the Special Tribunal. Unfortunately, the two witnesses who implicated the generals

have no credibility, he admitted. However, Brammertz reasoned that releasing them now would lead some to argue the tribunal is no longer needed, since there are no longer any suspects in custody.

¶9. (C) Brammertz said he was "not convinced all four have nothing to do with" the Hariri assassination. Although the basis for their imprisonment may not have been correct, it doesn't exclude the possibility that "one or more" may have been aware of the assassination plot because of their positions. The Ambassador pressed, arguing that Jamil as-Sayyed has to be involved. Brammertz seemed to agree, replying, "Of course, he's a person of interest. Probably we both believe similar things, but what can we prove?"

#### INVESTIGATING EIDO ASSASSINATION

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¶10. (C) Brammertz, who had visited the site two days earlier, confirmed that UNIIIC had started working on the June 13 assassination of March 14 MP Walid Eido. It was clearly, he said, a targeted attack using the same motus operendi as the December 12, 2005 attack on Gebran Tueni. The attack occurred in a narrow alley, which made it more difficult to clear the crime scene; there was also the fear of a second bomb targeting the response teams. An international forensics team arrived at the site a day and a half after the attack (though a local expert who works part-time for UNIIIC went to the scene immediately after the explosion), taking control on June 15. This was an improvement, Brammertz said, but still too slow; the lag time opened the door not only to possible violations of the crime scene but, more likely, to the incompetence of local response teams, he argued, citing the November 21, 2005 attack on Minister of Industry Pierre Gemayel, where poor forensic work led to no DNA samples to follow up on. He advocated the creation of a permanent forensics team based in Beirut that could be on the scene immediately following an attack.

¶11. (C) Brammertz stressed the political importance of UNIIIC's demonstrating that it was working on new cases as well as old ones, to discourage future attacks. Although 80 percent of UNIIIC's resources are directed at the Hariri

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assassination (UNIIIC's investigation team consists of 37 people, working on a total of 17 bombings, eight of which were targeted attacks), it must also be able to address the current violence as well. Brammertz confirmed UNIIIC is working on the February 13, 2007 twin bus attacks. However, it not involved in other recent bombings and Brammertz did not know whether Fatah al-Islam was behind the recent attacks, though he did not see a similarity to the post-Hariri bombings, especially in the Christian areas. The purpose was to "create a general climate of fear," he said.

#### LOOKING AHEAD TO SPECIAL TRIBUNAL

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¶12. (C) On the Special Tribunal, Brammertz said the next steps were to decide the venue and organize the transition from his team to the (not yet appointed) tribunal prosecutor, who should be selected in the next three to four months. Noting he had suggested several names to UN Legal Advisor Nicolas Michel, Brammertz said we need to push for names because the UN itself wouldn't do it. Brammertz confirmed he had agreed to stay until December, and said he hoped the prosecutor would be able to spend two months in Lebanon prior to his departure to give the two an opportunity to overlap. The prosecutor-elect would then be able to take up the tribunal in January. Responding to the Ambassador's question as to what, if any, implications a change of government in Lebanon would have on the tribunal, Brammertz said there is no reason the judges and the prosecutors can't be named now. Either there is a tribunal or there isn't ("either you're

pregnant or you're not," was how Brammertz put it), but it was in the hands of the UN now to get it up and running.

¶13. (C) Separately, PM Siniora's chief aide Mohamed Chatah told DCM on June 23 that the Lebanese have identified the 12 nominees whose names the GOL will submit to the UN, from which the UN will select four for the Tribunal. The twelve are now being approached about their willingness to participate, a process Chatah estimated would take one to two weeks. He also said that UN Secretariat officials are debating if it is best to wait until very late in the process before the Tribunal commences before making the selection of the four, so that they do not become assassination targets.

BRAMMERTZ IN WASHINGTON JULY 13 AND 14  
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¶14. (SBU) Brammertz will be in Washington July 13 and 14, about a week before he goes to New York, and asked us to gauge interest in scheduling follow up meetings with USG officials who follow UNIIIC. ACTION REQUEST: Request a response we can pass to Brammertz.

FELTMAN